(the daughter) to be delivered at my death." This instrument the grantor retained until her death. The court held the paper to be testamentary. Here it will be noted there was no delivery of the instrument.

See also *Grand Fountain, etc. of True Reformers* v. *Wilson* (Va.), 32 S. E. 48.

PARTNERSHIP—SOCIAL AND SEPARATE CREDITORS.—In *Steiner* v. *Peters Store Co.* (Ala.), 24 South. 576, it is held that an execution issued on a joint judgment against all the members of a copartnership, though the debt be not a partnership obligation, may be levied on the partnership assets, and the lien thus secured will bind the firm's entire interest in the assets so levied on, to the exclusion of unsecured partnership creditors. The decision is plainly right on principle, though many cases are found *contra*. The confusion is due to overlooking the elementary principle that the partnership creditors have no equity of their own to a preference out of the partnership assets, but only through the individual rights of the several members of the firm. And when the latter waive these equities, or, by reason of being themselves personally bound by the execution debt, their equities are excluded by operation of law, the preferential claim of the social creditors vanishes. *Saunders* v. *Reilly*, 105 N. Y. 12; *Couchman* v. *Maupin*, 78 Ky. 33; *Case* v. *Beauregard*, 99 U. S. 119. The Alabama case cited is directly opposed by *Rouss* v. *Wallace* (Col.), 50 Pac. 366, noticed in 3 Va. Law Reg. 608. In that case the court admitted that if a sale were actually made under the execution against the individual partners, the equities of the partners, and consequently of social creditors, would be divested, but held that a subsequent levy by partnership creditor, before a sale under the former levy, would take priority, since, as the court said, "Upon the facts of the levy, no waiver of the equities of the partners could be predicated." This overlooks the fact that the equities of the partners may be divested not only by voluntary waiver, but by operation of law. The levy by the individual creditor on a judgment against all the partners binds all the partners. No equity being left in them to object that the lien does not bind the entire partnership interest, there is, of course, no equity left through which social creditors may work out a preference. The ruling of the Colorado court cannot be maintained on principle.

JURISDICTION OF FEDERAL COURTS—ENJOINING CRIMINAL PROCEEDINGS IN A STATE COURT.—The case of *Harkrader* v. *Wadley*, 172 U. S. 148 (19 Sup. Ct. 119), commented upon in our last number, in which it was held that the Federal courts of equity have no jurisdiction to enjoin criminal proceedings in a State court, is affirmed in *Fitts* v. *McGhee*, 19 Sup. Ct. 269. The facts were that the legislature of Alabama passed an act fixing the maximum rate of toll on a bridge over the Tennessee river at Florence, owned by a railroad company, and prescribing a penalty for violations of the act. Believing the act to be unconstitutional, the receiver of the railroad company ordered the toll-gate keepers to disregard it; it was so disregarded, and numerous criminal prosecutions were instituted in the State court against the toll-gate keepers for violations of the act. Thereupon the receiver filed a bill in the Federal court, and an injunction was promptly issued against the governor of the State, the attorney-general, "and all persons whomsoever," prohibiting them from instituting or prosecuting any pro-